

## EXTENDING THE DURATION OF THE WATER POLLUTION CONTROL ACT

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JULY 3 (legislative day, JUNE 27), 1952.—Ordered to be printed

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Mr. CHAVEZ, from the Committee on Public Works, submitted the following

### REPORT

[To accompany H. R. 6856]

The Committee on Public Works, to whom was referred the bill (H. R. 6856) to extend the duration of the Water Pollution Control Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The Water Pollution Control Act authorized the United States Public Health Service to develop comprehensive water pollution control programs for surface and underground waters in cooperation with the States, interstate agencies, municipalities, industries, and others, giving proper consideration to all water uses such as public water supply, propagation of fish and aquatic life, recreational purposes and agricultural, industrial, and other water uses. Federal enforcement under the act is to be exercised on interstate waters only after the efforts of the States have been exhausted, and then only with their consent.

The act recognized the primary responsibilities and rights of the States in controlling water pollution, and made available assistance on research and technical matters. Specifically, the act also provides for Federal loans to local agencies to assist in the construction of necessary treatment works where urgently needed, and authorized an appropriation of \$22,500,000 annually for such purpose; an authorization of \$1,000,000 annually for grants to States and other public bodies to assist in financing the cost of preparation of plans, specifications, and preliminary work, in connection with pollution abatement projects; \$1,000,000 annually to be equitably allotted to the States for expenditure in the conduct of investigations, research, surveys, and studies of problems related to water pollution by industrial wastes; \$800,000 annually for constructing and equipping a laboratory

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center at Cincinnati, Ohio; and not to exceed \$2,500,000 annually to Federal Security Agency for carrying out its functions under the act.

The act was approved June 30, 1948, and no appropriation was made for fiscal year 1949. During 1950, 1951, and 1952, appropriations amounted to only \$12,408,568, although \$139,000,000 was authorized. Of this amount \$4,000,000 was appropriated for construction of the research facility at Cincinnati, \$3,000,000 was granted to the States, and the remainder for activities of the United States Public Health Service.

The United States Public Health Service has proceeded with the development of comprehensive basin plans; cooperated with the States in the conduct of surveys; provided technical aid to State and local agencies; encouraged the adoption of uniform State water pollution control laws; encouraged cooperative pollution control activities by State and interstate agencies; and cooperated with other Federal agencies on problems and studies of water pollution control.

The Division of Water Pollution Control of the United States Public Health Service has established 10 field units in river basin areas. Working with the States, reports have been issued covering 226 basins in the United States, of which 146 are interstate in nature. State and interstate agencies have been assisted in surveys of more than 88 streams and coastal water areas and in investigation of about 150 industrial wastes, sewage, and impoundment pollution problems. Activity in the field of water pollution control by the States has been greatly stimulated by the operations under the act. Expenditures by the States on cooperative matters have far exceeded the Federal expenditures.

The committee believes that excellent progress has been made in furthering the studies in the field of water pollution, and of making many agencies and people conscious of the problems involved, even with the nominal appropriations that have been made. It is further believed that the program should be continued in order that the progress already made will not be lost, and to remain current with the changing nature of a large and very important water problem affecting the health of the citizens of the entire Nation.

The comments of the Federal Security Agency are shown in the following letter:

FEDERAL SECURITY AGENCY,  
June 17, 1952.

HON. DENNIS CHAVEZ,  
Chairman, Committee on Public Works,  
United States Senate, Washington 25, D. C.

DEAR MR. CHAIRMAN: This letter is in response to your request of June 4, 1952, for a report on H. R. 6856, a bill to extend the duration of the Water Pollution Control Act. This bill would provide that the words "each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953" where they occur in section 7 and subsections (a), (c), (d), and (e) of section 8 of the Water Pollution Control Act (Public Law 845, 80th Cong.) are to be amended to read "each of the eight fiscal years during the period beginning July 1, 1948, and ending June 30, 1956." The effect would be to extend for three more years the present authorization for appropriations under the Water Pollution Control Act for planning grants and construction loans for sewage treatment works and grants to States and interstate agencies for industrial waste studies as well as administrative expenses to enable the Federal Security Agency to carry out its functions under the act.

As you know, the Water Pollution Control Act was adopted by the Congress in 1948 in recognition of the national interest in preserving the public health and conserving natural resources through safeguarding the quality of our waters. Its

passage represented the culmination of a movement extending over 50 years and was made possible by reconciliation of the divergent views of the groups advocating different approaches to the solution of the water pollution problem. As enacted, it established a cooperative Federal-State program for prevention, control, and abatement of water pollution.

The objectives of this program can be attained, in the last analysis, only by the installation of adequate sewage treatment works by municipalities and the provision of waste utilization and treatment systems by industry.

The act recognizes the primary responsibilities and rights of the States in controlling water pollution, but makes available Federal technical assistance to States, interstate agencies, and industries and, in addition, financial assistance to States and interstate agencies. It also provides for a limited degree of Federal enforcement action. It further aims, through the use of Federal loans, to stimulate construction of waste treatment works by municipalities and other public bodies.

To assist States, municipalities, and industries in attaining control of pollution, the act places responsibility for the following principal functions in this Agency: (i) development (in cooperation with States and with other interested groups) of comprehensive programs for eliminating or reducing water pollution; (ii) loans to municipalities and other public bodies to assist in the construction of sewage treatment works and grants to such public bodies to assist in the planning of treatment works; (iii) Federal action for abatement of pollution of interstate streams, to be taken only if the States responsible have failed to act and then only with the consent of those States; (iv) research and educational activities, technical assistance to States and interstate agencies, and grants to States and interstate agencies for the conduct of industrial wastes studies. (Certain functions originally vested by the act in the Federal Works Agency have since been transferred to this Agency by Reorganization Plan No. 16 of 1950.)

The provisions authorizing appropriations for construction loans, planning grants, and grants for industrial wastes studies, as well as the specific authorization for administrative appropriations, are limited to the 5-year period ending June 30, 1953.

The act was adopted June 30, 1948, at the close of the Eightieth Congress, but appropriations under it did not become available until a year later. The Public Health Service has, therefore, had somewhat less than 3 years of full operation under the act.

The immediate and most important work of the Service after the act was passed was to initiate the preparation or adoption of comprehensive programs for the elimination or abatement of pollution, in the development of which due consideration was to be given to all of the important purposes for which the waters were to be used. These programs will provide a guide to the individual actions to be taken by the municipalities and industries causing pollution.

Data on the known extent and character of water pollution have been collected and developed into reports covering the entire country on a river basin basis. This work was accomplished with the fullest cooperation of the States. The reports, which were published jointly by the Service and the States, set forth the known facts about pollution by watershed areas and indicate for a substantial number of cities, towns, and industries, their present pollution abatement needs in relation to the needs of their neighbors. As a result of these efforts, the extent of the water pollution problem has been generally defined but there remains the important task of developing additional data to fill the large gaps in existing knowledge.

Federal financial assistance designed to stimulate sewage treatment works construction at an accelerated rate has not yet been forthcoming as thus far no funds have been made available to this Agency for construction loans or planning grants.

The Public Health Service is also carrying out an educational program in order to aid community groups to solve their local pollution problems. It is believed that a continuation of this educational program is an essential factor in furthering the water pollution control program.

The service has not instituted any formal enforcement proceedings under section 2 (d) of the Water Pollution Control Act which defines pollution of interstate waters and tributaries thereof as a public nuisance when it injures the health or welfare of persons in a State other than that in which the polluting matter is discharged. We have instead been able to use effectively the existence of this enforcement section to solve, in cooperation with the States, troublesome interstate pollution problems. This approach, we believe, is consistent with the congressional intent that Federal enforcement is to be exercised only after the efforts of the State have been exhausted, and then only with the consent of the

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State. Further, the reports prepared in connection with the development of the comprehensive programs indicated generally where the interstate pollution is occurring—information which can be utilized as a basis for enforcement action by the United States.

Pursuant to a specific direction in the Water Pollution Control Act to encourage the enactment of uniform State laws relating to water-pollution control, the Service developed a suggested uniform State law for the use of the States in considering and formulating amendments to their existing laws. Representatives of the Service have acted as consultants to States at their request in connection with proposed State water-pollution-control legislation.

Research directed toward more effective methods of treating wastes has been aided under the act through the Environmental Health Center at Cincinnati, cooperative activities with the States, and through grants to States and interstate agencies for industrial-waste studies. In addition, the formation of the National Technical Task Committee on Industrial Wastes has brought about an informal exchange of technical information and developmental work in reduction of industrial wastes. Continued action by the Public Health Service is needed to maintain research programs activated as a result of the Water Pollution Control Act.

While this Agency is preparing recommendations for detailed amendments of the Water Pollution Control Act which would establish the act as permanent legislation, it is not definite when they will be presented to Congress and it may not be accomplished prior to the expiration date of July 1, 1953, noted above or before the much earlier date when budget estimates for fiscal year 1954 have to be prepared by this Agency.

The tremendous increase in the size and importance and the constantly changing nature of the pollution problem, in our opinion, call for continuation of the program established by the act on a permanent basis. Therefore, in order not to vitiate the progress already made by this Agency in the field of water pollution control, it is recommended that H. R. 6856 be enacted into law, and that substantive amendments to the Water Pollution Control Act be considered as soon as practicable.

In accordance with established procedure this report was submitted to the Bureau of the Budget prior to its presentation to your committee. The Bureau advises as follows:

"In reply, you are advised that while there would be no objection to the submission of the proposed report to the committee, amendments are needed in the basic statute to provide a more effective program at minimum cost. Legislation for this purpose, as you are aware, has been under review for some time. Accordingly, the extension of the present authority should, in the view of the Bureau of the Budget, be limited to a relatively brief period pending reconsideration of the basic statute."

Sincerely yours,

JOHN L. THURSTON,  
*Acting Administrator.*

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate changes in existing law proposed by the bill are shown in parallel columns as follows:

##### EXISTING LAW

##### AMENDMENT UNDER H. R. 6856

To provide for water pollution control activities in the Public Health Service of the Federal Security Agency and in the Federal Works Agency, and for other purposes

SEC. 7. There is hereby authorized to be appropriated to the Federal Security Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, a sum not to exceed the sum of \$22,500,000 for the purpose of making loans under section 5 of this Act. Sums so appropriated shall remain available until expended.

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SEC. 7. There is hereby authorized to be appropriated to the Federal Security Agency for each of the eight fiscal years during the period beginning July 1, 1948, and ending June 30, 1956, a sum not to exceed the sum of \$22,500,000 for the purpose of making loans under section 5 of this Act. Sums so appropriated shall remain available until expended.



EXISTING LAW

SEC. 8. (a) There is hereby authorized to be appropriated to the Federal Security Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, the sum of \$1,000,000, to be allotted equitably and paid to the States for expenditure by or under the direction of their respective State water pollution agencies, and to interstate agencies for expenditure by them, for the conduct of investigations, research, surveys, and studies related to the prevention and control of water pollution caused by industrial wastes. Sums appropriated pursuant to this subsection shall remain available until expended, shall be allotted by the Surgeon General in accordance with regulations prescribed by the Federal Security Administrator, and shall be paid prior to audit or settlement by the General Accounting Office.

(c) There is hereby authorized to be appropriated to the Federal Works Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, a sum not to exceed the sum of \$1,000,000 to enable the Federal Works Administrator to make grants to States, municipalities, or interstate agencies to aid in financing the cost of engineering, architectural, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of projects approved by the appropriate State water pollution agency or agencies and by the Surgeon General. Grants made under this subsection with respect to any project shall not exceed whichever of the following amounts is the smaller: (1) \$20,000, or (2) 33½ per centum of the estimated reasonable cost (as determined by the Federal Works Administrator) of the action preliminary to the construction of such project. Sums appropriated pursuant to this subsection shall remain available until expended.

AMENDMENT UNDER H. R. 5855

SEC. 8. (a) There is hereby authorized to be appropriated to the Federal Security Agency for each of the eight fiscal years during the period beginning July 1, 1948, and ending June 30, 1956, the sum of \$1,000,000, to be allotted equitably and paid to the States for expenditure by or under the direction of their respective State water pollution agencies, and to interstate agencies for expenditure by them, for the conduct of investigations, research, surveys, and studies related to the prevention and control of water pollution caused by industrial wastes. Sums appropriated pursuant to this subsection shall remain available until expended, shall be allotted by the Surgeon General in accordance with regulations prescribed by the Federal Security Administrator, and shall be paid prior to audit or settlement by the General Accounting Office.

(c) There is hereby authorized to be appropriated to the Federal Works Agency for each of the eight fiscal years during the period beginning July 1, 1948, and ending June 30, 1956, a sum not to exceed the sum of \$1,000,000 to enable the Federal Works Administrator to make grants to States, municipalities, or interstate agencies to aid in financing the cost of engineering, architectural, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action preliminary to the construction of projects approved by the appropriate State water pollution agency or agencies and by the Surgeon General. Grants made under this subsection with respect to any project shall not exceed whichever of the following amounts is the smaller: (1) \$20,000, or (2) 33½ per centum of the estimated reasonable cost (as determined by the Federal Works Administrator) of the action preliminary to the construction of such project. Sums appropriated pursuant to this subsection shall remain available until expended.

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### EXISTING LAW

(d) There is hereby authorized to be appropriated to the Federal Security Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, such sum (not to exceed the sum of \$2,000,000) as may be necessary to enable it to carry out its functions under this Act.

(e) There is hereby authorized to be appropriated to the Federal Works Agency for each of the five fiscal years during the period beginning July 1, 1948, and ending June 30, 1953, such sum (not to exceed the sum of \$500,000) as may be necessary to enable it to carry out its functions under this Act.

### AMENDMENT UNDER H. R. 6856

(d) There is hereby authorized to be appropriated to the Federal Security Agency for each of the eight fiscal years during the period beginning July 1, 1948, and ending June 30, 1956, such sum (not to exceed the sum of \$2,000,000) as may be necessary to enable it to carry out its functions under this Act.

(e) There is hereby authorized to be appropriated to the Federal Works Agency for each of the eight fiscal years during the period beginning July 1, 1948, and ending June 30, 1956, such sum (not to exceed the sum of \$500,000) as may be necessary to enable it to carry out its functions under this Act.

